

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GORDON ROY PARKER

Plaintiff,

vs.

UNIVERSITY OF PENNSYLVANIA

Defendant.

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CIVIL ACTION NO. 02-cv-567

**PENN'S FIRST SUPPLEMENT
TO ITS MOTION FOR SUMMARY JUDGMENT**

Based upon a document first revealed to Penn in Parker's pretrial memorandum, Penn supplements its Summary Judgment memorandum as follows:

II. STATEMENT OF UNDISPUTED MATERIAL FACTS

26. On July 16, 2001, Plaintiff downloaded from the Penn Human Resources website the listing (Plaintiff's Proposed Exhibit AV) of the 715 positions then open at Penn, which met criteria submitted by plaintiff.¹

27. The Penn website instructed plaintiff:

"...to apply for a particular position, please click the job title below. A total of 715 job positions were found." Plaintiff's proposed Exhibit AV.

¹ For reference, the exhibit is attached hereto.

28. Notwithstanding the instruction, plaintiff chose not to apply for any open position.

Dated: June 3, 2004.

By: 

John M. Myers (PA ID. No. 16642)
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**PENN'S FIRST SUPPLEMENTAL MEMORANDUM OF LAW
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

The open question in this case is whether Penn's explanation for its inaction on Parker's emailed resume was pretext. Parker concedes in his Pretrial filing that there were no special effort searches (§ 22). More importantly he has finally supplied documentary evidence of just how careful he was to avoid applying for a specific position.

Parker has argued, in his summary judgment motion, that "Penn deliberately withheld information that would have caused him to apply for specific jobs..." Memorandum, at p.5. But now he has exposed this to be utterly false: Parker's proposed Exhibit AV (attached hereto) is a partial printout of the search he actually made on July 16, 2001,² the date he posted his resume without applying for the job. This is the information he actually had. Although he has always contended that Penn didn't make clear that he should actually apply for an open position, his Exhibit AV shows that Penn gave him an explicit instruction:

Based on the criteria that you entered, the University of Pennsylvania currently has the following open positions. For more information about a particular position, or *to apply for a particular*

² The date of the search appears on the printout in the lower right hand corner.

position, please click the job title below. A total of 715 positions were found. (italics added)

The full download was 29 pages long.³ As we know, he chose not to apply for any of the 715 then open positions. That decision, and his abusive continuation of this lawsuit, should not be sanctioned.

Dated: June 3, 2004.

By: 

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³ See the upper right hand corner of AV; the numbers are partially cut off.

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Jobs@Penn: Search Results

Based on the criteria that you entered, the University of Pennsylvania currently has the following open positions. For more information about a particular position, or to apply for a particular position, please click the job title below. A total of 715 positions were found.



Job Title	Reference Number	School/Center	Department
ACAD. COORD FOR PENNCAP	01037336LL	STUDENT SERVICES	ACADEMIC SUPPORT PROGRAMS
ACADEMIC COUNSELOR	01057806LL	STUDENT SERVICES	ACADEMIC SUPPORT PROGRAMS
ACCOUNTANT B	01047593LL	DIVISION OF FINANCE	RESEARCH SERVICES
ACCOUNTANT B/GRANTS COORD	00106638OM	SCHOOL OF MEDICINE	PS-PSYCHIATRY ADMINISTRATI
ACCOUNTANT C	01068133OM	SCHOOL OF MEDICINE	EB-CENTER FOR CLINICAL BIO
ACCOUNTANT C	00086150LL	FACILITIES MANAGEMENT	FACILITIES MANAGEMENT ADMI
ACCOUNTANT/FIN ANALYST	01078297DS	SCHOOL OF NURSING	NURSING FINANCE
ACCOUNTANT/FIN ANALYST	01037446LL	WHARTON SCHOOL	WHARTON FINANCE AND ADMINI
ACCOUNTING CLERK SR	01068217LL	DIVISION OF FINANCE	CENTRAL GIFTS PROCESSING
ACCOUNTING CLERK SR	01037451LL	DIVISION OF FINANCE	COMPTROLLER'S OFFICE
ADMIN ASST A	01047572LL	GRADUATE SCHOOL OF EDUCATION	GRAD SCH OF EDUCATION
ADMIN ASST A	01078252LL	GRADUATE SCHOOL OF EDUCATION	GRAD SCH OF EDUCATION
ADMIN ASST A	01037443OM	SCHOOL OF MEDICINE	BT-CENTER FOR BIOETHICS AD
ADMIN ASST A	01068248MG	PROVOST'S CENTER	CTR UNDERGRAD RES & FELLOWSHIP
ADMIN ASST A	01068068DS	SCHOOL OF DENTAL MEDICINE	DENTAL MEDICINE (CENTER SU
ADMIN ASST A	01078278MG	RECREATION & ATHLETICS	RECREATION AND ATHLETICS
ADMIN ASST A	01068257JH	SCHOOL OF ARTS AND SCIENCES	MATHEMATICS
ADMIN ASST A	01068045OM	SCHOOL OF MEDICINE	SOM-SCHOOL OF MEDICINE SUR
		SCHOOL OF ARTS	



JOBS@UPENN. Search Results

ADMIN ASST A	01068116JH	AND SCIENCES	SAS EXTERNAL AFFAIRS
ADMIN ASST A	01078273OM	DEVELOPMENT & ALUMNI RELATIONS	GIFT ADMINISTRATION
ADMIN ASST A	01057774OM	SCHOOL OF MEDICINE	PS-PSYCHIATRY ADMINISTRATI
ADMIN ASST A	01068123LL	GRADUATE SCHOOL OF EDUCATION	GRAD SCH OF EDUCATION
ADMIN ASST A	01057930MG	PROVOST'S CENTER	REGULATORY AFFAIRS
ADMIN ASST A	01057846DS	DEVELOPMENT & ALUMNI RELATIONS	SCHOOL/CENTER DEVELOPMENT
ADMIN ASST A	01068136DS	SCHOOL OF NURSING	NURSING SCHOOL (CENTER SUR
ADMIN ASST A	01078290LL	GRADUATE SCHOOL OF FINE ARTS	GSFA DEAN'S OFFICE
ADMIN ASST A	01068137DS	SCHOOL OF NURSING	NURSING FINANCE
ADMIN ASST A	01057836LL	PRESIDENT'S CENTER	SECRETARY'S OFFICE
ADMIN ASST B	01068189LL	BUSINESS SERVICES	DAY CARE CENTER
ADMIN ASST B	01068148OM	SCHOOL OF MEDICINE	PA-PATHOLOGY
ADMIN ASST B	01068205LL	DEVELOPMENT & ALUMNI RELATIONS	DEVELOPMENT PROGRAMS
ADMIN ASST B	01078250LL	GRADUATE SCHOOL OF EDUCATION	GRAD SCH OF EDUCATION
ADMIN ASST B	01078247OM	SCHOOL OF MEDICINE	DM-CARDIOLOGY DIVISION ADM
ADMIN ASST B	01068115MG	INTERNATIONAL PROGRAMS	INTERNATIONAL STUDENT AND
ADMIN ASST B	01027174OM	SCHOOL OF MEDICINE	BB-BIOCHEMISTRY AND BIOPHY
ADMIN ASST B	01078226LL	WHARTON SCHOOL	LEGAL STUDIES
ADMIN ASST B	00096368OM	SCHOOL OF MEDICINE	PS-UNIT FOR EXPERIMENTAL P
ADMIN ASST B	01068063DS	SCHOOL OF VETERINARY MEDICINE	VET ANIMAL BIOLOGY
ADMIN ASST B	01016953OM	SCHOOL OF MEDICINE	RA-ADMINISTRATION
ADMIN ASST B	01068072LL	FACILITIES MANAGEMENT	OPERATIONS AND MAINTENANCE
ADMIN ASST B	01068098OM	SCHOOL OF MEDICINE	SOM-SCHOOL OF MEDICINE SUR
ADMIN ASST B	01068206LL	DEVELOPMENT & ALUMNI RELATIONS	PRINCIPAL GIFTS
ADMIN ASST B	01078281JH	SCHOOL OF ARTS AND SCIENCES	ENGLISH LANGUAGE PROGRAM
ADMIN ASST B	01047697OM	SCHOOL OF MEDICINE	PH-PHARMACOLOGY ADMINISTRA
ADMIN ASST B	01078271LL	STUDENT SERVICES	CAREER PLANNING AND PLACEM
ADMIN ASST B	00085972OM	SCHOOL OF	PS-PSYCHIATRY

		MEDICINE	ADMINISTRATI
ADMIN ASST B	01078285LL	UNIVERSITY LIBRARY	UNIVERSITY LIBRARY
ADMIN ASST B	01057801LL	ANNENBERG SCHOOL	ANNENBERG SCHOOL FOR COMMU
ADMIN ASST B	00075868LL	EXECUTIVE VICE PRESIDENT	CENTRAL ADMINISTRATION
ADMIN ASST B	01068036DS	DEVELOPMENT & ALUMNI RELATIONS	SCHOOL/CENTER DEVELOPMENT
ADMIN ASST B	01057969LL	DIVISION OF PUBLIC SAFETY	PUBLIC SAFETY ADMINISTRATI
ADMIN ASST TO EXEC DIR. MED CTR DEV. & AR	01047644DS	DEVELOPMENT & ALUMNI RELATIONS	SCHOOL/CENTER DEVELOPMENT
ADMIN ASST/DONOR RELATIONS PROGRAM	01078332LL	LAW SCHOOL	LAW SCHOOL (CENTER SURROGA
ADMIN COORDINATOR	01047716LL	GRADUATE SCHOOL OF EDUCATION	GRAD SCH OF EDUCATION
ADMIN COORDINATOR	01057891OM	SCHOOL OF MEDICINE	SOM-SCHOOL OF MEDICINE SUR
ADMIN COORDINATOR	01068198JH	SCHOOL OF ARTS AND SCIENCES	ENGLISH LANGUAGE PROGRAM
ADMIN COORDINATOR	01057847LL	WHARTON SCHOOL	MARKETING
ADMIN COORDINATOR	01037390DS	SCHOOL OF VETERINARY MEDICINE	SMALL ANIMAL HOSPITAL
ADMIN COORDINATOR	00106598OM	SCHOOL OF MEDICINE	DM-GERIATRICS ADMINISTRATI
ADMIN COORDINATOR	01078276LL	STUDENT SERVICES	ACADEMIC SUPPORT PROGRAMS
ADMIN COORDINATOR	01057913LL	EXECUTIVE VICE PRESIDENT	CENTER FOR TECHNOLOGY TRAN
ADMIN COORDINATOR	01037441OM	SCHOOL OF MEDICINE	AN-ANESTHESIA ADMINISTRATI
ADMIN COORDINATOR	01047562LL	WHARTON SCHOOL	DEVELOPMENT AND ALUMNI AFFAIRS
ADMIN COORDINATOR	01068012OM	SCHOOL OF MEDICINE	PS-PSYCHIATRY ADMINISTRATI
ADMISSIONS OFFICER A/B	01068159MG	PROVOST'S CENTER	ADMISSIONS
AIRCONDITNG REFRIG MECH	01068005LL	FACILITIES MANAGEMENT	OPERATIONS AND MAINTENANCE
AREA COORDINATOR FOR COLLEGE HOUSE SVCS	01068191LL	CAMPUS SERVICES	RESIDENTIAL LIVING SURROGA
ASSISTANT ARBORIST	01057978LL	MORRIS ARBORETUM	MORRIS ARBORETUM (CENTER S
ASSISTANT COACH INTERN, SOFTBALL	01057985MG	RECREATION & ATHLETICS	RECREATION AND ATHLETICS
ASSISTANT COACH INTERN WOMEN'S GYMNASTICS	01068141MG	RECREATION & ATHLETICS	RECREATION AND ATHLETICS
ASSISTANT DIRECTOR OF OUTREACH PROGRAMS	01068087JH	SCHOOL OF ARTS AND SCIENCES	MIDDLE EAST CTR
ASSISTANT MANAGER B	01067989LL	WHARTON SCHOOL	WHARTON FINANCE AND ADMINI

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ORDER

AND NOW this _____ day of _____, 2004, Penn's First Motion in Limine is
GRANTED.

The Plaintiff may not produce any evidence, or call any witness to support the facts
asserted in his pre-trial memorandum at Paragraphs 3, 5, 8-21, 23-26, 29-35.

Plaintiff shall cause no trial subpoenas to issue without prior approval of this court.

BY THE COURT:

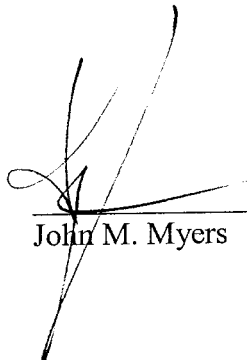
Honorable Anita B. Brody, J.

CERTIFICATE OF SERVICE

I, John M. Myers, do hereby certify that on the 3rd day of June, 2004, I caused a true and correct copy of the foregoing The University of Pennsylvania's First Supplement to its Motion for Summary Judgment, and Memorandum in support thereof to be served by way of U.S. First Class Mail, postage prepaid, upon the following individual at the address indicated:

Gordon Roy Parker
4247 Locust Street, #807
Philadelphia, PA 19104

Pro Se Plaintiff



John M. Myers